

SUPREME COURT OF ARIZONA

In the Matter of the Application) Arizona Supreme Court
of) No. SB-12-0002-C
)
WALTER RIVERA,)
)
Applicant.)
)
_____) **FILED 02/12/2013**

O R D E R

The State Bar filed a "Motion for Clarification" requesting that this Court remand the matter to the Committee on Character and Fitness for clarification of certain terms in Applicant Rivera's terms and conditions of monitoring. The Committee on Character and Fitness filed a response indicating that, in reaching the agreement for admission with conditions, it intended that Applicant Rivera would be subject to random testing any day of the week at a facility approved by the State Bar. This interpretation is consistent with the plain language of the terms and conditions of monitoring. In light of the Committee's response, there is no reason to remand the matter for clarification.

Applicant Rivera filed a "Motion for a Hearing & Reconsideration of Clarification." Applicant Rivera requests that the matter be remanded to the Committee for a proper review of the terms and conditions of monitoring. Applicant Rivera requests a hearing at which he can present evidence concerning the negative impact of random testing any day of the week. In light of the State Bar's

position that weekday-only testing is not adequate, and the Committee's deference to the State Bar's decision regarding approved testing facilities, no purpose would be served in remanding to the Committee for a hearing.

IT IS ORDERED denying the State Bar's "Motion for Clarification."

IT IS FURTHER ORDERED denying Applicant Rivera's "Motion for a Hearing & Reconsideration of Clarification."

DATED this _____ day of February, 2013.

REBECCA WHITE BERCH
Chief Justice

TO:
Shauna R. Miller
Walter Rivera
John Tuchi
Emily Holliday